

Application Serial No. 10/580,352

OT-5403

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-4 were rejected in the Office Action. Each of claims 1-4 has been amended herein and, therefore, claims 1-4 remain pending for further consideration.

1. Objection to the Abstract

The Examiner objected to the Abstract as allegedly failing to commence on a separate sheet, apart from any other text. It is respectfully noted that this application is a National Stage application based on a PCT application in which the Abstract was provided on a separate sheet when the PCT application was filed with the U.S. Patent & Trademark Office ("USPTO"). Moreover, it is respectfully noted that the current application was published by the USPTO as U.S. Patent Application Publication No. 2007/0170011, which publication included the previously filed Abstract. To the extent that the Examiner may have intended to object to the language used in the Abstract, Applicants have opted herein to amend the Abstract for purposes of clarity. For at least the foregoing reasons, a withdrawal of this objection is earnestly solicited.

2. Objection to the Specification

The Examiner objected to paragraphs [0010] and [0011] for various formalistic reasons, each of which has been fully obviated by way of the amendments made herein to those paragraphs. Accordingly, a withdrawal of this objection is both warranted and respectfully requested.

3. Rejection of Claims 1-4 under 35 U.S.C. § 112

The Examiner rejected claims 1-4 under 35 U.S.C. § 112, ¶ 2 as allegedly being indefinite for various reasons, including, *e.g.*, lack of antecedent basis. Applicants respectfully submit that each of the Examiner's grounds for rejecting claims 1-4 under § 112 has been fully obviated by way of the amendments made herein to claims 1-4. Accordingly, a withdrawal of these § 112 rejections is respectfully requested.

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4. Rejection of Claims 1-4 under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as allegedly being obvious in view of U.S. Patent No. 2,660,959 ("Stickler"). For at least the following reasons, Applicants respectfully traverse this rejection.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2-4 depend) recites a car fall-prevention apparatus that includes, among other possible things (*italic and underline emphasis added*):

a guide rail installed vertically in an elevator shaft to guide a car up and down,
a *nearly tubular holding member* that is attached to a back surface of said guide rail, said holding member comprising:
a front wall that is attached to the back surface of said guide rail and a back wall that is arranged opposite said front wall,
a locking hole running in an axial direction of the guide rail, said locking hole being formed in an end of said back wall,
a long plate-like support member attached to said holding member to support a bottom part of said car,
a spring member that pulls said support member toward said holding member; and
top and bottom stop plates that are also attached above and below said holding member,
wherein said support member includes a base formed to be able to lock and be held between projecting ends of said top and bottom stop plates,
wherein a projecting part, which can lock into said locking hole, is formed in a back edge of said support member base,
wherein a spindle, one end of which rotatably supports said support member from above and below via a slot formed in the base of said support member, is attached to said holding member such that it can slide axially,
wherein from a standby position, with said support member located on said guide rail's back side and being pulled toward said holding member by a spring force of said spring member, said support member is adapted to be rotated forward while being pulled away from a side of said holding member against the spring force of the spring member, and
wherein when a forward end of the support member is positioned in front of the guide rail, while the base of the support member is held gripped by said top and bottom stop plates, said projecting part will also lock and be held in said locking hole.

As hereafter explained Stickler fails to teach or suggest such a car fall-prevention apparatus.

In rejecting claim 1, the Examiner asserts (page 3 of the Office Action) that Stickler teaches "a nearly tubular holding member (6) that is attached to the back surface of the guide rail." Applicants respectfully disagree. Specifically, the structure to which the Examiner points, *i.e.*, base plate 6 is described in Stickler as being "formed of a casting and has one end portion cut away as at 7 to provide a rail flange receiving seat." See

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Stickler at col. 4, lines 3-5. Moreover, the plate nature of the base plate 6 is evident in Figure 6 of Stickler, which figure explicitly shows in cross-section the solid plate nature of base plate 6. As the base plate 6 is completely devoid of being tubular, *i.e.*, hollow, Stickler clearly fails to teach or suggest a "tubular" holding member.

In contrast to the aforementioned shortcomings of Stickler, claim 1 recites, as above-italicized, a "nearly tubular holding member." An embodiment of such a holding member is clearly shown in Figure 5 of the instant application, which figure shows a tubular (*i.e.*, hollow) structure that defines the holding member 3.

For at least the foregoing reasons, it is clear that Stickler fails to teach or suggest at least the above-italicized limitations of claim 1. Accordingly, Stickler standing alone can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 2-4 depend from claim 1, each of these dependent claims is also allowable over Stickler, without regard to the other patentable limitations recited therein. Therefore, a withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 103(a) is both warranted and respectfully requested.

CONCLUSION

In light of the foregoing, claims 1-4 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicants' undersigned representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

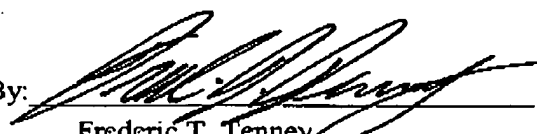
Respectfully submitted,

Date: June 17, 2008

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